



DEPARTMENT OF THE ARMY
HEADQUARTERS UNITED STATES ARMY FORCES COMMAND
1777 HARDEE AVENUE SW
FORT MCPHERSON GEORGIA 30330-1062

REPLY TO
ATTENTION OF

AFLG-PR

30 August 2001

MEMORANDUM FOR ALL FORSCOM DOCS

SUBJECT: Contracting Information Letter (CIL) 01-31

1. This CIL contains information on the following subjects:
 - a. Availability of Solicitations Through Federal Business Opportunities
 - b. Material Management and Accounting Systems (MMAS)
 - c. Accessing Wage Determinations On-Line (WDOL)
 - d. Waiver Guidance and Procedures for Acquisition & Technology Workforce Positions
2. Availability of Solicitations Through Federal Business Opportunities. Reference memo, DP(EB), 6 August 2001, SAB (encl 1). In this memo, Ms. Deidre Lee, Director, Defense Procurement, emphasizes the importance of having solicitations available through an electronic link from the electronic synopsis posted on FedBizOpps.
3. DFARS 242.72, Material Management and Accounting Systems (MMAS). Reference memo, DP/CPF, 3 August 2001, SAB (encl 2). Effective 13 December 2000, subject DFARS rule was revised to eliminate MMAS coverage of areas where there is not a material risk to the government. This memo responds to questions that have been raised regarding application of this rule to contracts that were entered into prior to 13 December 2000.
4. Accessing Wage Determinations On-Line (WDOL). Reference memo, Labor Advisor (715F), 6 August 2001, SAB (encl 3). Wage determinations are now available through the CEALS home page at www.ceals.usace.army.mil.
5. Waiver Guidance and Procedures for Acquisition & Technology Workforce Positions. Reference guidance, 19 July 2001, SAB (encl 4). Subject guidance explains the requirements for waivers for various acquisition positions and the circumstances under which a waiver may be considered

4 Encls
as

CHARLES J. GUTA
Colonel, AG
Chief, Contracting Division, DCSLOG
Principal Assistant Responsible
for Contracting



ACQUISITION AND
TECHNOLOGY

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON DC 20301-3000

AUGUST 6, 2001

DP(EB)

MEMORANDUM FOR DIRECTORS OF DEFENSE AGENCIES
DEPUTY ASSISTANT SECRETARY OF THE ARMY
(PROCUREMENT), ASA(ALT)
EXECUTIVE DIRECTOR, ACQUISITION AND BUSINESS
MANAGEMENT, ASN(RD&A)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING), SAF/AQC

SUBJECT: Availability of Solicitations Through Federal Business Opportunities

On April 18, 2001, I requested you to make solicitations available via Federal Business Opportunities (FedBizOpps), the government-wide electronic point for information on government procurements over \$25,000. The target date for the requirement is October 1, 2001.

My staff has reviewed synopses posted on FedBizOpps, and has noted that many synopses currently require interested parties to write or email the contracting office for a copy of the solicitation. This procedure does not meet the "availability" requirement in my April 18 memo. To clarify, solicitations must be accessible through an electronic link from the electronic synopsis. It should be "one click" away from the synopsis to a stand-alone solicitation or to a solicitation clearly and distinctly listed on a project page. The purpose of this requirement is to make it easy for the public to find out how to do business with us. It also supports President Bush's e-government initiatives and philosophy.

Thank you for your current progress in posting synopses on FedBizOpps and your help resolving this issue. My action officer for FedBizOpps issues is Melissa Rider, melissa.rider@osd.mil or (703) 695-1098.

Deidre A. Lee
Director, Defense Procurement





ACQUISITION,
TECHNOLOGY
AND LOGISTICS

DP/CPF

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

AUGUST 3, 2001

MEMORANDUM FOR DEPUTY FOR ACQUISITION AND BUSINESS MANAGEMENT
ASN(RD&A)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING), SAF/AQC
DEPUTY ASSISTANT SECRETARY OF THE ARMY
(PROCUREMENT), ASA(ALT)
DIRECTORS OF DEFENSE AGENCIES

SUBJECT: DFARS 242.72, Material Management and Accounting
Systems (MMAS)

Effective December 13, 2000, the subject DFARS rule was revised to eliminate MMAS coverage of areas where there is not a material risk to the Government. Questions have been raised regarding the application of this rule to contracts that were entered into prior to December 13, 2000 (existing contracts).

FAR 1.108, "Application of FAR changes to solicitations and contracts," permits contracting officers to include FAR changes in existing contracts with appropriate consideration. That same principle applies to DFARS changes as well. Since the revised rule merely eliminates coverage in areas where there is no material risk to the Government, it is appropriate for contracting officers to apply the revised rule to existing contracts without receiving consideration.

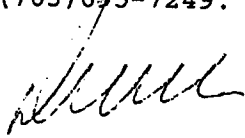
The revised rule exempts educational institutions and non-profit contractors because such entities do not have significant material costs that would warrant application of the MMAS standards. It also exempts fixed price contracts where financing payments are not based on cost, such as performance-based payments. To the maximum extent practical, contracting officers should apply the revised rules by modifying existing contracts with educational institutions and non-profit contractors, and by modifying existing fixed price contracts where financing payments are not based on cost.

The revised rule replaces the demonstration requirement with a requirement for the contractor to accurately describe its MMAS policies, procedures, and practices, and provide sufficient



detail for the Government to reasonably make an informed judgment regarding the adequacy of the MMAS. Contractors are also required to provide to the Government, upon request, the results of internal reviews conducted to ensure compliance with established MMAS policies, procedures, and operating instructions. The Government continues to have the same access to contractor records it had prior to the revision, and a contractor is still required to comply with the ten MMAS standards. For existing contracts, contracting officers shall follow the revised rule by not applying the demonstration requirement to those contracts.

Any questions regarding this memorandum should be directed to Mr. David J. Capitano at (703)695-7249.



Deidre A. Lee
Director, Defense Procurement



DEPARTMENT OF THE ARMY
OFFICE OF THE JUDGE ADVOCATE GENERAL
1777 NORTH KENT STREET
ROSSLYN, VIRGINIA 22209-2194

AUG 15 2001

S: MGT

REPLY TO
ATTENTION OF:

Labor Advisor (715F)

6 August 2001

MEMORANDUM FOR SEE DISTRIBUTION

CF: COC Mute
Ms. Gaines
Carol
Bey
Ron

SUBJECT: Accessing Wage Determinations On-Line (WDOL)

Effective immediately, the CEALS Web Pages have been moved to a secure port. Your previous bookmarks that are pointing to any of the CEALS web pages will no longer work and should be deleted. Please access wage determinations through the CEALS home page at www.ceals.usace.army.mil. You can then bookmark this site as a favorite again. Once you press a link from the CEALS home page that accesses links on the www server, you will receive a "Security Alert" message indicating that you are about to access a "secure connection". Depending on your browser software, you may see a series of menus prompting you to "accept" the certificate. It's ok to accept the certificate and proceed. Basically, all of this has to do with protecting the data transferred from the server over the communication lines to your pc and back. The data being transferred will now be encrypted so that it can't be read or intercepted by other people.

Please disseminate to all of your contracting personnel who use the WDOL program.

ALFRED E. MOREAU
Labor Advisor,
OASA (SAALT)

Encl
as

DISTRIBUTION:

Commander, U.S. Army Forces Command, ATTN: AFLG-PR,
Fort McPherson, Georgia 30330-1062
Commander, U.S. Army Training and Doctrine Command,
ATTN: ATBO-A, Fort Monroe, Virginia 23651-5000
Commander, U.S. Army Corps of Engineers, ATTN: CECC-L,
441 G Street NW, Washington, DC 20314
Commander, U.S. Army Materiel Command, ATTN: AMCCC-G,
5001 Eisenhower Avenue, Alexandria, Virginia 22333-0001
Commander, U.S. Army, Pacific, ATTN: APAM, Fort Shafter,
Hawaii 96858-5100

July 19, 2001

ARMY
WAIVER GUIDANCE AND PROCEDURES
FOR ACQUISITION & TECHNOLOGY WORKFORCE POSITIONS

I. Purpose: This document outlines the statutory and OSD requirements for various acquisition positions, clarifies the circumstances under which a waiver may be considered, and establishes waiver approval authority and procedures. (This document has been reviewed by the Office of the General Counsel.)

II: References:

1. Title 10, United States Code, Chapter 87, Defense Acquisition Workforce, Section 1701-1764, Defense Acquisition Workforce Improvement Act (DAWIA) of 1990.
2. DoD Directive 5000.52, "Defense Acquisition, Education and Training Program, " October 25, 1991
3. DoD Instruction 5000.58, "Defense Acquisition Workforce," January 14, 1992
4. DoD Directive 5000.52-M, "Career Development Program for Acquisition Personnel," November 1995
5. Section 808 of Pub. L. No. 106-398, the Fiscal Year 2001 National Defense Authorization Act, amendment to reference (a), October 30, 2000.
6. Memorandum SAAL-ZAC, subject: Delegation of Authority, dated March 16, 2001.

III. Statutory and OSD Guidance:

1. CAPs are considered to be those positions that require occupancy by a GS 14/equivalent demonstration project broadband and LTC and above, to include the Senior Executive Service, DoDI 5000.58, paragraph F.5.a.(1) and (3). CAPs must be filled by members of the Army Acquisition Corps (AAC), 10 U.S.C. 1733; DoDI 5000.58, paragraph 5.a.

2. There are three sets of assignment qualification standards for CAPs:

a. AAC membership requirement: These are the grade, experience, and education requirements specified at 10 USC 1733; grade; four years acquisition experience; bachelor's degree and 12/24 business hours (12 hours if bachelor's degree is in an acquisition related career field).

b. Certification requirements: These are the position Certification/training requirements established by the functional career fields for each career level (entry, journeyman, senior) in an acquisition career field, DoD 5000.52-M, paragraph D.6. DoD requires completion of all mandatory training requirements for level II in an acquisition career field for Acquisition Corps membership, DoD 5000.58, paragraph F.4.a.(3).

c. Position requirements: These are the minimum assignment qualification requirements established by 10 USC 1724 for contracting positions while 10 USC 1735 establishes the requirements for Program Manager (PM), Deputy Program Manager (DPM), Program Executive Officer (PEO), General Officer (GO)/Senior Executive Service (SES). The requirements are detailed in Appendix M of 5000.52-M.

3. Qualification requirements for Series 1102 workforce members are established by 10 USC 1724, amended by section 808 of the National Defense Authorization Act for Fiscal Year 2001, Public Law 106-398. (Amendment applies to new military and civilian entrants as of October 1, 2000.)

IV. Waiver Authority: Waiver authority resides with the Director, Acquisition Career Management (DACM), and with the Acquisition Career Program Board (ACPB), as discussed in the following paragraphs.

1. DACM Waivers PM, DPM, PEO, GO/SES. The DACM may waive the additional assignment qualification requirements for PM, DPM, PEO, and GO/SES positions. (Note: When indicated in Appendix M, DoD 5000.52-M, AAC members who do not meet these additional statutory position requirements may be assigned up to 6 months to a CAP without a waiver. The 6 months exception applies only to those individuals who are already AAC members being assigned to the specific positions. Paragraph E.2., page 2-5.)

2. DACM Waivers for a CAP. The DACM may waive the assignment qualification for Acquisition Corps membership to fill a particular critical acquisition position (CAP), 10 USC 1737 (c); DoDI 5000.58, paragraph F.6.f.(7), at page 24.

a. The DACM waiver of AAC membership requirements is position specific and does not allow an individual to be accessed into the AAC. If the individual moves to another CAP, he/she must meet AAC membership requirements. The individual may not be accessed into the AAC unless all the requirements for membership are met or a waiver is obtained from the ACPB. DoDI 5000.58, paragraph F.6.a.(1), at page 18.

b. DACM waivers for AAC membership requirements (grade, education, experience, training) may be requested only when it has been determined that qualified Acquisition Corps members or individuals qualified for AAC membership are not available, DoDI 5000.58, paragraph F.6.a.(1). Non-DoD candidates and candidates for SES positions who are not corps members may be considered if they qualify for entry into the corps, F.6.a.(2). Determination of availability will be made in accordance with the Army Acquisition Corps Selection and Placement Policy and Procedures for Civilians (in draft).

c. Waivers of certification/training requirements allow the individual to be placed in the CAP for 18 months while meeting the requirements. It does not waive the requirement that the individual meet certification requirements of the position. All CAPs require level III certification.

3. ACPB Waiver. The ACPB *may permanently waive AAC membership requirements if the board certifies that the individual in question possesses such potential as to warrant these requirements unnecessary*. The ACPB, as a general rule, will issue waivers only to advance the career development of an employee; i.e., an individual is deemed to be so qualified and outstanding that no one else can fill the job. These waivers will be exceptionally rare. The ACPB may also issue waivers to bring in highly qualified individuals from the private sector or other agencies when they are deemed to possess qualifications that negate the need for one or more of the statutory requirements.

a. Except for certification of potential, the ACPB may waive the grade level, experience, and education requirements for membership in the Acquisition Corps, 10 USC 1732(d); DoDI 5000.58, paragraph F.4.c., at page 15.

b. The ACPB may waive the education, training, and experience requirements for service in specified contracting positions and positions in the GS-1102 series, 10 U.S.C. 1724(d); DoDI 5000.58, paragraph F.7.e. at page 26.

c. The ACPB waiver applies to the individual and is not position specific; therefore, it allows an individual to be accessed into the Acquisition Corps.

d. Waivers may only be requested when it is determined that no qualified applicants are available, DoDI 5000.58, paragraph F.6.a.(1), The process for making this determination is outlined in the Army Acquisition Corps Selection and Placement Policy and Procedures for Civilians (draft).

e. The board has the authority to issue waivers for Army, other Government agencies, and private sector personnel, DoDI 5000.58, F.6.(3), page 19.

f. If the waiver of statutory requirements is by the ACPB and the individual is level II certified or has level II training in an acquisition career field, the AMB may process documentation to access the individual into the AAC. If the individual does not have level II certification or training, he/she must meet this requirement before accession into the AAC will be processed. Waivers of certification requirements allow the individual to be placed in the CAP for 18 months while meeting certification requirements. It does not waive the requirement that the individual meet certification requirements of the position. All CAPs require level III certification.

V. Standards and Waiver Procedures - DACM waivers for assignment specific standards for PMs, DPMs, PEOs, and GOs. (These are qualifications over and above those for a CAP/AAC membership, for particular acquisition positions.). Ref. DoD 5000.52-M.

1. Standards:

a. PM/MDAP (ACAT I)

Assignment qualifications:

- Program Management Course or Advanced Program Management Course and Executive Program Management Course
- 8 years acquisition experience (4 years performed in a program office or similar organization)
- Tenure Agreement

Waiver: DACM (Army Acquisition Corps (AAC) members may be assigned up to 6 months without a waiver) (DD Form 2595, July 1998, DoD PM/DPM – Waiver Request)

Assignment Period (tenure): May not be reassigned until completion of the major milestone occurring closest in time to the date on which the person has served 4 years.

Waiver: DACM (DD Form 2593, July 1998, DoD Waiver of Assignment Period for PM/DPM)

Tenure Requirement: May not be reassigned until completion of the major milestone occurring closest in time to the date on which the person has served for 4 years.

Waiver: DACM (DD Form 2593 "Waiver of Assignment Period for PMs or DPMs," July 1998)

b. DPM/MDAP (ACAT I)

Assignment qualifications:

- Program Management Course or Advanced Program Management Course and Executive Program Management Course
- 6 years acquisition experience (with 2 of those years in a PM office)
- Tenure Agreement

Waiver: DACM (AAC members may be assigned up to 6 months without waiver) DD Form 2595

Assignment Period (tenure): May not be reassigned until completion of the major milestone occurring closest in time to the date on which the person has served for 4 years.

Waiver: DACM (not required if reassigned to another CAP from the DPM) (DD Form 2593)

c. PM/Significant Non-major Defense Acquisition Program (ACAT II):

Assignment Qualifications:

- Program Management Course or Advanced Program Management Course and Executive Program Management Course
- 6 years acquisition experience

Waiver: DACM (AAC members may be assigned up to 6 months without a waiver) (DD Form 2595)

d. DPM/Significant Non-major Defense Acquisition Program (ACAT II):

Assignment Qualifications:

- Program Management Course or Advanced Program Management Course and Executive Program Management Course
- 4 years acquisition experience

Waiver: DACM (AAC members may be assigned up to 6 months without a waiver) DD Form 2595

e. Program Executive Officer (PEO):

Assignment Qualifications:

- Program Management Course or Advanced Program Management Course and Executive Program Management Course
- 10 years acquisition experience (4 years in a CAP)
- Held position as a PM or DPM

Waiver: DACM (AAC members may be assigned up to 6 months without a waiver) (DD Form 2597, July 1998, DoD PM/DPM – Waiver Request)

f. General Officer (GO)/Senior Executive Service (SES)

Assignment Qualifications:

- 10 years of acquisition experience (4 years in a CAP)

Waiver: DACM (AAC members may be assigned up to 6 months without a waiver) (DD Form 2599, DoD General/Flag Officer/Civilian Equivalent CAP Assignment – Waiver Request.)

2. Procedures: Waivers for the above standards are processed through the Army Acquisition Executive Support Agency (AAESA).

a. The required document is the designated waiver form, completed and signed by the requesting organization official.

b. AAESA reviews the waiver request, submits to the DACM for approval, enters approvals in the database, and notifies the requesting organization of the results.

VI. Standards and Waiver Procedures – DACM and ACPB waivers for assignment to CAPs; AAC membership; and certification requirements.

These waivers are processed through the Regional Directors to the Acquisition Career Management Office.

1. Standards:

a. Critical Acquisition Positions (CAPs)

Assignment Qualifications: Member of the AAC (must be met or waived before assignment)

Waiver: DACM (no standard form; use DD Form 2588 and change Item 16 (ACPB) to DACM.

Assignment Period: tenure agreement for 3 years

Waiver: DACM (DD Form 2592, July 1998, DoD Waiver of Assignment Period in Critical Acquisition Positions).

b. Army Acquisition Corps (AAC) Membership.

Assignment Qualifications:

- GS 13/Major and above
- Bachelor's degree OR ACPB certification of advanced potential (may be met by ACPB certification but may not be waived)
- 12/24 business hours
- 4 years experience
- Training (certification/training at level II or level III)

Waiver: ACPB (DD Form 2588, July 1998, DoD Acquisition Corps – Waiver Request)

c. Position Certification. It is the organization's responsibility to ensure individuals meet certification standards of the position to which assigned. A waiver is required for a specified timeframe if not met within 18 months of assignment:

- For level I and II positions, approval shall be at least two tiers above the individual's supervisor.
- For level III positions, approval shall be no lower than the commander of an acquisition command, the commander of a major field installation under a defense agency, a general officer or SES in the same functional career field.
- *For CAPS, the approval authority is the DACM.* Occupants of CAPs must be AAC members; therefore, they must have a minimum of level II certification or training before being placed in the CAP. They must attain level III within 18 months of assignment to the position.

Waiver: There is no designated form; use DD Form 2588 and add "Level II Certification/Training" under Item 11, "Waiver Requested."

2. Procedures: Waivers for the above standards are processed as follows:

a. The following documents are prepared and/or consolidated by the requesting organization and submitted to the ACMO Regional Director (RD) for review: 1) the designated waiver form; 2) a resume or ACRB, as appropriate; 3) verification (when applicable) that the vacancy announcement was in

accordance with the waiver guidance contained in the Army Acquisition Corps Selection and Placement Policy and Procedures for Civilians (draft).

b. The RD submits the waiver package to the ACMO with a recommendation. The ACMO determines if the waiver should be reviewed by the DACM or by the Army Acquisition Career Management Functional Working Group (AACM-FWG) for the ACPB.

c. ACMO processes the waiver package by either submitting to the DACM for approval or convening the AACM-FWG for review.

d. ACMO provides the waiver decision to the AMB, thereby authorizing them to notify the personnel community that the individual may be placed in a CAP (for approvals). ACMO notifies Regional Director of final disposition.

VII. Standards and Waiver Procedures for Contracting positions:

1. Standards:

a. Senior Contracting Officials:

Assignment Qualifications: 4 years contracting experience

Waiver: DACM (AAC members may be assigned up to 6 months without a waiver) DD Form 2601, DoD Senior Contracting Official – Waiver Request.

b. Warranted Contracting Officers: (for granting a warrant above the small purchase threshold)

Assignment Qualifications:

- Completed mandatory contracting courses for positions at the level and grade at which the person is serving. Certification at that level is sufficient to meet this standard.
- Bachelors degree and 24 semester hours in business (If in an 1102 series on or before September 30, 2000, employees may have bachelors degree OR 24 semester hours, even though they were not warranted at the time.)
- 2 years contracting experience

Waiver: ACPB (DD Form 2591, July 1998, DoD Contracting Officer – Waiver Request)

c. Contracting Occupations (GS-1102)

Assignment Qualifications: Bachelor's degree AND 24 semester hours in business. (Personnel who occupied GS-1102 positions or contracting officer

positions with authority to award or administer contracts above the simplified acquisition threshold on or before September 30, 2000, are excluded from this requirement. Individuals occupying such position on or before September 30, 2000, must have a Bachelor's degree OR 24 semester hours in business rather than both.)

Waiver. ACPB (DD Form 2591), Department of Defense Contracting Officer – Waiver Request, dated July 1998.

2. Procedures: Waivers for the above standards must be endorsed by the Principal Assistant Responsible for Contracting. The waiver package is then forwarded to the Functional Chief Representative (FCR); the FCR forwards to the ACMO for processing.

FRANK C. DAVIS
Colonel, USA
Deputy Director
Acquisition Career Management